

1579-628
1893

MAR 11 2002



Nixon & Vanderhye P.C. (10/99)
(Domestic Assigned) Page 1

#3

PATENT & TRADEMARK OFFICE
DECL 63 (37 C.F.R. 1.63)
INVENTOR'S DECLARATION FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ZINC ALPHA-2-GLYCOPROTEIN AS INDICATOR OF CANCER

the specification of which (check applicable box(s)):

- is attached hereto
 was filed on December 3, 2001 as U.S. Application Serial No. 09/998,923 (Atty. Dkt. No. 1579-628)
 was filed as PCT International application No. on
and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Priority Foreign Application(s):

| Application Number | Country | Day/Month/Year Filed |
|--------------------|---------|----------------------|
|--------------------|---------|----------------------|

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

| Application Number | Date/Month/Year Filed |
|--------------------|-----------------------|
| 60/250,159 | 1 December 2000 |

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below.

Prior U.S./PCT Application(s):
Application Serial No. Day/Month/Year Filed Status: patented pending, abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And on behalf of the owner(s) hereof, I hereby ask that all communications in this matter be directed to:

NIXON & VANDERHYE P.C., 1100 North Glebe Rd., 8th Floor, Arlington, VA 22201-4714, telephone number (703) 816-4000.

| | | | | | |
|----|---|---|---|-----------------|-------------------------|
| 1. | Inventor's Signature: Inventor: | Jane P. Hale | | Date: 1/18/2002 | U.S.A. (citizenship) |
| | Residence: (city) Mailing Address: (Zip Code) | Laura (first) Hillsborough 4 Sagamore Place, Hillsborough, North Carolina 27278 | P. MI (state/country) North Carolina | | |
| 2. | Inventor's Signature: Inventor: | David (first) Greenwood 9760 Locust Hill Road, Greenwood, Louisiana 71053-71033 | | Date: 1/28/02 | U.S.A. (citizenship) |
| | Residence: (city) Mailing Address: (Zip Code) | (state/country) Louisiana | | | |

See attached sheet(s) for additional inventor(s) information!!

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

HALE et al

Serial No. 09/998,923

Filed: December 3, 2001

For: ZINC ALPHA-2-GLYCOPROTEIN AS INDICATOR OF
CANCER



Atty. Ref.: 1579-628

Group:

Examiner:

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

**EXCLUSIVE SUBSTITUTE POWER OF ATTORNEY
AND EXCLUSIVE PROSECUTION HEREAFTER BY
ASSIGNEE UNDER 37 C.F.R. §§ 1.36, 3.71 AND 3.73**

DUKE UNIVERSITY, being the owner of all right, title and interest in the above-identified patent application, hereby revokes all previous powers of attorney in this case, if any, and hereby appoints Nixon & Vanderhye, P.C., 1100 North Glebe Rd., 8th Floor, Arlington, Virginia 22201-4714, telephone number (703) 816-4000, facsimile number (703) 816-4100, and the following attorneys thereof (of the same address) individually and collectively its attorneys to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith, and with the resulting patent: Larry S. Nixon, 25640; Arthur R. Crawford, 25327; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besha, 22770; Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393;

Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Jeffry H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29366; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kagen, 36178; Robert A. Molan, 29834; B. J. Sadoff, 36663; James D. Berquist, 34776; Updeep S. Gill, 37334; Michael J. Shea, 34725; Donald L. Jackson, 41090; Michelle N. Lester, 32331; Frank P. Presta, 19828; Joseph S. Presta, 35329; Joseph A. Rhoa, 37515; Raymond Y. Mah, 41426; Chris Comuntzis, 31097; Gary T. Tanigawa, 43180.

DUKE UNIVERSITY also authorizes Nixon & Vanderhye to delete any attorney names/numbers no longer with the firm and to act and rely solely on instructions communicated from the person, attorney, firm or other organization sending instructions to Nixon & Vanderhye on behalf of the owner.

Certificate Under 37 C.F.R. §3.73(b)

DUKE UNIVERSITY, a corporation having a place of business at, Durham, North Carolina, states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors to the aforesaid assignee, a copy of the assignment being attached.

The undersigned (whose title is typed below) is empowered to sign this statement
on behalf of DUKE UNIVERSITY.

DUKE UNIVERSITY

January 22, 2002

Date

By:



Name: Robert L. Taber
Title: Vice Chancellor of Science and
Technology Development

U.S. GOVERNMENT PRINTING OFFICE: 2002 50-100-000-000

Nixon & Vanderhye P.C.
1100 North Glebe Road
Eighth Floor
Arlington, VA 22201-4714

Attorney Dkt: 1579-628

A S S I G N M E N T
of U.S. Origin Patent Application

- 1) Laura P. Hale
2) David Price

(hereinafter collectively ASSIGNOR), have made an invention known as Dkt. **1579-628** and entitled: **ZINC ALPHA-2-GLYCOPROTEIN AS INDICATOR OF CANCER**

for which an application for Letters Patent of the United States
 was executed even date herewith and is about to be filed in the United States Patent and Trademark Office;
 was filed on **December 3, 2001**, Appln. No. **09/998,923**, which claims priority from provisional Appln. No. **60/250,159**, filed **December 1, 2000**;

AND WHEREAS **DUKE UNIVERSITY, Durham, North Carolina 27708-0083**

(hereinafter ASSIGNEE), desires to acquire an interest therein;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNOR, does hereby sell, assign and transfer unto ASSIGNEE, its entire right, title and interest to the said invention in the aforesaid application, and to the said application and to all continuations, divisions, reissues and substitutes of said application, and foreign counterparts thereof, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention

Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres, and ASSIGNOR hereby authorizes and requests the Commissioner of Patents to issue said Letters Patent to ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns and legal representatives. It is understood and agreed that ASSIGNEE'S attorneys Nixon & Vanderhye P.C. have represented only ASSIGNEE and will continue to represent only ASSIGNEE with respect to this invention.

AND ASSIGNOR hereby agrees to execute any papers requested by ASSIGNEE, its successors, assigns and legal representatives, deemed essential to ASSIGNEE's full protection and title in and to the invention hereby transferred.

ASSIGNOR furthermore agrees upon request of said ASSIGNEE, and without further remuneration, to execute any and all papers desired by said ASSIGNEE for the filing and granting of foreign applications and the perfecting of title thereto in said ASSIGNEE.

The undersigned hereby authorize(s) Nixon & Vanderhye P.C. of the above address to insert hereon any further identification necessary or desirable for recordation of this document.

Executed on the date(s) below indicated.

| | <u>Signature</u> | <u>Date Signed</u> | <u>Witness</u> |
|----|---------------------------------------|--------------------|------------------------|
| 1) | <u>Laura P. Hale</u> Laura P. Hale | <u>1/18/2002</u> | <u>Faula Kiss Geer</u> |
| 2) | <u>David Price</u> David Price | <u>1/18/2002</u> | <u>Andy Geer</u> |

Attorney's

Dkt. No.: 1579-628Applicant or Patentee: HALE et alSerial or Patent No.: 09/998,923Filed or Issued: December 3, 2001For: ZINC ALPHA-2-GLYCOPROTEIN AS INDICATOR OF CANCERVERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.27(a)(3)) -
NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION DUKE UNIVERSITYADDRESS OF ORGANIZATION Durham, North Carolina 27708-0083

TYPE OF NONPROFIT ORGANIZATION

- University or other institution of higher education
 Tax exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3)
 Nonprofit scientific or educational under statute of state of The United States of America
 (Name of state _____)
 (Citation of statute _____)
 Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3)) if located in the United States
 Would qualify as nonprofit scientific or educational under statute of state of The United States of America if located in The United States of America
 (Name of state _____)
 (Citation of statute _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.27(a)(3) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- the specification filed herewith with title as listed above.
 application identified above.
 the patent identified above.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention. If the rights held by the nonprofit organization are not exclusive, each person, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person who could not qualify as a person under 37 CFR 1.27(a)(1), or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2), or a nonprofit organization under 37 CFR 1.27(a)(3).

Name _____

Address _____

 Person Small Business Concern Nonprofit Organization

Name _____

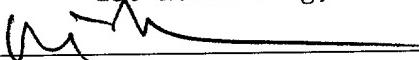
Address _____

 Person Small Business Concern Nonprofit Organization

*Separate verified statement is requested from each person, concern or organization named immediately above having rights to the invention, averring to his/her/its status as a small entity. (37 CFR 1.27)

I acknowledge the duty to file, in this application of patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INDIVIDUAL SIGNING Robert L. TaberTITLE IN ORGANIZATION Vice Chancellor of Science and Technology DevelopmentADDRESS OF INDIVIDUAL SIGNING 230 North Bldg, Research DriveSIGNATURE DATE January 22, 2002